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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,289	01/23/2004	Kenneth L. Gage	020478	6484
23596	7590	12/10/2008		
QUALCOMM INCORPORATED				
5775 MOREHOUSE DR.				
SAN DIEGO, CA 92121				
EXAMINER				
HUYNH, NAM TRUNG				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
12/10/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/763,289

**Applicant(s)**

GAGE, KENNETH L.

**Examiner**

NAM HUYNH

**Art Unit**

2617

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 14 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

Continuation of 11, does NOT place the application in condition for allowance because: Regarding claims 1, 19, 27, and 30, Applicant submits that Siorpaes fails to teach or suggest "establishing a second Transfer Control Protocol/Internet Protocol (TCP/IP) network connection through the second protocol link, using the designated IP address for the wireless device". The Examiner respectfully disagrees. In the invention of Siorpaes, a mobile terminal (MT) may switch or handover between different technologies or protocols according to parameters such as link quality and availability (paragraphs 84, 88, 56, 57). A switch between different technologies is interpreted by the Examiner as a switch from a "first protocol link" to a "second protocol link". Siorpaes teaches that during initial access to the server, the server assigns the MT an IP address referred to as "IP\_CLIENT" that never changes during roaming or switching (paragraphs 129, 110). This IP address is interpreted by the Examiner as the IP address designated to the MT when a "first protocol link" is established. Siorpaes teaches the steps executed when a vertical handoff occurs, or switching between a "first protocol link" to a second "protocol link" in paragraphs 136-146. As can be seen in paragraphs 139 and 143, the MT is assigned a different IP\_BEARER address referred to as "IP\_BEARER\_2", but there is no reconfiguration or reassignment of the "IP\_CLIENT" address. This IP address assigned to the MT remains constant which is further taught in paragraphs 134 and 113. Therefore the MT is assigned an IP\_CLIENT address by the server when the "first protocol link" is established and when subnet switching occurs, or a "second protocol link" is established and the IP\_CLIENT address remains unchanged thus teaching the aforementioned claim limitations.

Regarding claim 19, Applicant submits that Siorpaes fails to teach or suggest a Control Center or mapping of network addresses without generating a mapping table. The Examiner respectfully disagrees. In the invention of Siorpaes, the Control Center is rendered by the server because the server provides full access to the Internet and other IP-based networks (paragraphs 58, 59). With respect to the server mapping network addresses, the Examiner interprets "mapping" as designating or assigning IP addresses for the MT for connection of the MT with the Internet. In Siorpaes when the MT switches protocols, a new or different IP address is assigned to the MT (paragraphs 136-146) therefore "mapping" a link or address with the Internet to a link with the Internet under the different protocol so that a link to the Internet may be maintained.

Regarding claims 9 and 15, because of the broad scope of the claim language the term "mapping" is interpreted as designating or assigning IP addresses for the MT, as stated above in regards to claim 19, and does not imply the necessity of a table.

Regarding claims 16-18, 24-26, and 31-32, 1. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Dorenbosch was cited explicitly to teach the use of a network address translation of an IP address between two different networks. The motivation as stated in the office action of page 7 is to modify the server of Siorpaes to include network address translation in order to substitute address values for application specific data and provide handoff from one IP connection to another. One of ordinary skill in the art would recognize that this feature would be advantageous to the server of Siorpaes because of the capability to operate in various networks or protocols.

Regarding claims 4 and 11, the rejections have been maintained based on the submission above with respect to independent base claim 1.